



The same minutes document does not reflect that a reason was given in public session for such executive session.

7. It is found that the respondent board did not hold its March 15, 1977 executive session upon an affirmative vote of two-thirds of its members present and voting, taken at a public meeting, and stating the reason therefor, as required by §1-21, G.S.

8. The superintendent of schools testified that the record of votes and minutes of the meeting of March 15, 1977 were available for inspection at his office on March 16, 1977 in the form of the notes of the secretary of the board.

9. The superintendent further testified that such notes included the shorthand notes of the secretary.

10. The aforesaid notes were not produced at the hearing herein, and it was not shown that the notes were in a form that would be intelligible to members of the general public.

11. The documents that were produced, Plaintiff's Exhibit A and B above, were first made available on March 23, 1977 and April 15, 1977, respectively.

12. It is found that the respondent board did not make the record of votes and minutes documents of its meeting of March 15, 1977 available for public inspection as required by §1-21, G.S.

13. The superintendent contended that it would be sufficient for purposes of the Freedom of Information Act if such record of votes and minutes are available for inspection at his office.

14. The superintendent has a regular office where all of the records of the respondent board are kept and maintained.

15. It is further found that if the record of votes and minutes are made available at the office of the superintendent this would constitute full compliance with the inspection requirement under §1-19, G.S.

16. Some of the actions of the respondent board in executive session on March 15, 1977 concerned the ministerial acceptance of the resignation of certain individuals.

17. It is found that the above actions of the board are not a proper purpose for an executive session as defined by §1-18a(e), G.S. and therefore constituted an improper exclusion of the public in violation of §1-21, G.S.

18. It is the custom of the respondent board to permit the elementary school principal of the Town of East Haddam to remain in attendance at its executive sessions.

19. The aforesaid principal is not a member of the respondent board.

20. The aforesaid principal did not present testimony or opinions concerning any of the discussions in executive session on March 15, 1977.

21. It is found that the respondent board failed to limit attendance to its March 15, 1977 executive session as required by §1-21g, G.S.

22. It is further found that the minutes of March 15, 1977 do not disclose all persons who were in attendance at the aforesaid executive session in violation of §1-21g, G.S.

23. Lastly, this Commission is asked to resolve the question of the adequacy of the notice to the respondent board's special meeting of March 23, 1977.

24. Such notice specified the time and place for meeting and the item of business to be transacted.

25. Although such notice called for an executive session, and the item of business to be transacted, listed therein, insufficiently stated a purpose for an executive session as defined in §1-18a(e), G.S., it cannot be found that such notice is insufficient for purposes of the notice required under §1-21, G.S. having met the minimal requirements thereunder as found in paragraph 24 above.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth, the respondent board shall proceed into executive session only upon an affirmative vote of two-thirds of its members present and voting, taken at a public meeting, and shall state the reason for its executive session before so proceeding, as required by §1-21, G.S.

2. Henceforth the respondent board shall reduce to writing and make available for public inspection, in the office of the superintendent, a record of the vote of each of its members upon any issue before it, within the forty-eight hours required by §1-21, G.S.

3. Henceforth, the respondent board shall at all reasonable times make available for public inspection, in the office of the superintendent, the minutes of its meetings. The term "reasonable times" has been interpreted by this Commission as usually within one week of the meeting in question.

4. Henceforth, the respondent board shall proceed into executive session only for a proper purpose under §1-18a(e), G.S.

5. Henceforth, the attendance of nonmembers in executive sessions shall be limited to the period in which their presence is necessary for purposes of presenting pertinent testimony or opinion, as required by §1-21g, G.S.

6. Henceforth, the minutes of each such executive session shall disclose all persons who are in attendance, as further required by §1-21g, G.S.

7. The superintendent's after-the-fact effort to disseminate information to the townspeople concerning the meeting in question is praiseworthy. This, however, cannot offset the negative effect to the town of the many irregularities engaged in by the board in complete ignorance of the requirements under this Act.

*Judith Lahey*

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Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
June 8, 1977.

*Louis J. Tapogna*

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Louis J. Tapogna, as Clerk of the  
Freedom of Information Commission